Meeting of 1998-10-13 Regular Meeting

MINUTES LAWTON CITY COUNCIL REGULAR MEETING OCTOBER 13, 1998 - 6:00 P.M. WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, Acting City Manager
John Vincent, City Attorney
Brenda Smith, City Clerk
Sandra Rench, Deputy City Clerk

The meeting was called to order at 6:00 p.m. with invocation by Father Stafford of Blessed Sacrament Church, followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One Richard Williams, Ward Two Jeff Sadler, Ward Three John Purcell, Ward Four Robert Shanklin, Ward Five Charles Beller, Ward Six Stanley Haywood, Ward Seven Randy Warren, Ward Eight

ABSENT: None.

Purcell thanked Jerry Ihler and the Public Works employees for the outstanding job on resurfacing Flower Mound Road. He said it was difficult with the various entrances into different housing areas and hoped that some of the citizens traveling that road appreciated the work that was done and will send a few letters of appreciation into the Mayor and City Manager.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL MEETING OF SEPTEMBER 17, REGULAR MEETING OF SEPTEMBER 22, AND SPECIAL MEETING OF OCTOBER 1, 1998.

MOTION by Shanklin, SECOND by Smith, for approval of the Special Meeting of September 17, Regular Meeting of September 22, and the special Meeting of October 1, 1998. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

RECEIVE QUARTERLY REPORT FROM LAWTON HUMAN RIGHTS & RELATIONS COMMISSION.

Donald Kesler, Chairman, Human Rights & Relations Commission, reviewed the quarterly report and noted that no cases had been filed during the last quarter. Work continues on the the law enforcement disability awareness program, and they are working with Wackenhut and the Fire Department. Ronnie Ward, Assistant Police Chief, is taking the program to the State CLEET Board which will consider making it a requirement for law enforcement personnel. He said they have started something good and a number of people have said it was long over due and the Commission appreciates the Council's support. Kesler stated he and Ray Polk have completed their final terms and he thanked the Council for their support during the last four years.

Beller thanked Mr. Kesler, on behalf of the City Council, for all the work he has done on behalf of the City and the Commission.

Haywood said, as a former Commission member, he wanted to thank Mr. Kesler, Mr. Polk and the Commission for their efforts.

DISCUSS THE POSSIBILITY OF ESTABLISHING A VIETNAM MEMORIAL IN SHEPLER PARK.

Smith asked Mr. Avery Hall, Chapter 751, Vietnam Veterans Association to come forward and address the City

Council.

Avery Hall, 1515 NW 31st Street, said they had requested this time to inform the Mayor and City Council of their intent to honor the Vietnam Veterans of Comanche County with a memorial upon the approval of the City Council to be erected near the fountain in Shepler Park. They are in the planning stages and wanted to let the Council know before getting all their plans together. The ideas they have for the plaque would possibly be a large rock with a brass plaque, maybe a granite marking approximately 2' x 3' or a replica of the statute of the three serviceman located at the entrance to the Vietnam Memorial in Washington D. C. He said they realize that all their final plans will have to be submitted to the Council once they have their final version and once their membership of Chapter 751 approves the plans for the monument. The only thing they would be asking from the City would be their advice on erecting the memorial, there will be not cost to the City. They are hoping to fund it themselves to include requesting donations from the citizens who responded well when Chapter 751 brought the "Healing Wall" into Lawton. He said since Comanche County is one of the only counties in the surrounding area that doesn't have a memorial for the Vietnam Veterans that it would be good to have one and Shepler Park would be an ideal spot but that would up to the City Council. He said the response they received last Fall for the "Healing Wall" was tremendous.

Powell asked if Mr. Hall was considering one of the three items discussed. Hall said those are the three ideas they have right now, it is just a couple ideas they have discussed and once they have a final plan they will bring it back before the City Council which will be in approximately two to three months.

Hall said they understand the plans would have to be approved by the City Council and are asking for their support. Powell suggested Mr. Hall get their plans prepared and bring it back to City Council.

Williams asked Mr. Hall if he had any idea of what the total funds would be for the memorial. Hall said they don't have any cost estimates yet and have not discussed this with their board. Williams said the community would probably assist in every way possible.

Smith said they need to give Mr. Hall a consensus to go forward, come up with a final project and bring it before the City Council for approval.

Shanklin said this has been discussed for years without anything coming of it and asked why they couldn't use one of the blocks on Gore Boulevard such as 4th and 5th or 5th and 6th and had often wondered why they didn't have some of the cannons on display. Powell said there would be more visibility. Hall said they had chosen Shepler Park because they didn't know what other locations would be possible but would consider that. Powell said they could also consider McMahon for people to stop and observe and there would be parking available at that location. He said the Council is receptive to the idea and when the plans are complete Mr. Hall could return for the Council's consideration.

AUDIENCE PARTICIPATION:

Clarence Williams, 1508 SW 4th Street, said he thought his property was going to be on the agenda. He said he had gone to Housing/Community Development to see if he would qualify for his property to be torn down under the CDBG funds.

Dennis Woommavovah, Code Administration, said this property has already been considered for demolition and that Mr. Williams was to contact Housing/Community Development to ask for funding to tear down the property; Council has already held a public hearing on this property.

Williams said he has just now been informed that it was on the demolition to be torn down, he has a permit which hasn't expired and thought it was a matter of communication. Powell asked Mr. Williams to get with Mr. Woommavovah on Wednesday morning.

T. C. and Shauna Bishop, 901 SW 29th Street, spoke regarding an application for a building permit extension, which was denied. Shauna Bishop said in March the property was on the Council agenda for demolition and they had six months to get a building permit, do the work and bring it up to Code. At the end of March, Mr. Bishop got a permit and did some work on the foundation; on April 6 Mr. Bishop was sent to Davis, Oklahoma, through his job and has been there since that time so he has not had time to do any other work on the structure. She said they would like to have a renewal because Mr. Bishop will need to be in Davis for a couple more months. The property is located at 811 SW "E" Avenue.

Baker said since the building permit has expired, in order to reconsider this, if that is the wish of the Council, it would have to come back to Council to amend the resolution, which could be done. Vincent said Mrs. Bishop is a secretary in the City Attorney's Office and it can be done.

Mr. Bishop said when he applied for the first building permit he knew he was going to Davis and was told that he

could possibly get it renewed if he tried to renew it before it expired and that is what he did and it was denied. Shanklin asked Mr. Bishop if he could do the work within 120 days and Bishop said yes.

Vincent said they would have to amend the resolution for 811 SW "E" Ave., establish a new date and provide 15 days to apply for a new building permit and there would be six months or less to complete the work, to be determined by Council. Powell asked Woommavovah to have a resolution prepared and brought back as an agenda item for the next Council meeting.

Williams asked if the Bishop's intended to remodel or bring the house up to Code. Mr. Bishop said he intended to remodel the house and will either move the house to another location or move into the property if the neighborhood is in better condition when the remodeling is complete. He said it was inspected and is not a detriment to the society or a dangerous structure and doesn't have much damage other than outside appearance; it is secure and kept mowed and clean.

Alan Williams, 406 N 3rd, taxi cab driver, said he had spoken with Mr. Beller regarding a committee meeting and the first item to be on the agenda. He said the first thing that should be on the agenda is the fact that regardless of weather, illness, breakdowns, etc. the taxi drives have to pay their tariff every day. He said if someone is gone for any reason, they come back and do not have a car or any rights to the car because he had not paid the \$30 to \$40 a day while in the hospital, while the car is broken down, etc., they are still having to pay the tariff or their car is repossessed or penalized in some manner. He said he provided Mr. Beller with a list of the associates in their club. He said they may be putting a transmission in the taxi cab, paying for all the repairs and then have to pay for the tariff and that is why there are no new cabs in Lawton and why the ones that are on the streets look like they came from Mexico except those the franchises own and those cars will be rebuilt over and over. He said he wants everyone to know what is going on and Mr. Beller has talked to them about the first agenda item and something needs to be done. They have made a daily permit; none of them pay taxes and for tax purposes because they can't get receipts for the tariffs they pay on repairs, etc. He said it is completely out of control and it needs to be supervised.

Sharon O'Neil, Homefinder's, 502 NW Sheridan Road, said on July 13, the police went to one of their rental properties, an incorrect address, and kicked in the storm door and drug the residents' son out into the yard and it was the wrong person and the wrong address and they asked for the City to pay for the storm door and they denied the claim. The item is on the agenda for consideration later in the meeting.

UNFINISHED BUSINESS:

1. Consider the following damage claim recommended for denial: Howard and Sharon Smith. Exhibits: Legal Opinion/Recommendation.

Vincent requested the item be tabled for an additional two weeks because there have been problems getting the paperwork together to furnish the Smith's.

MOTION by Purcell, SECOND by Haywood, to table the damage claim filed by Howard and Sharon Smith for two weeks. AYE: Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

2. Hold a public hearing and consider an ordinance amending the 2020 Land Use Plan from Residential-Single Family and Duplex to Public/Quasi-Public and changing the zoning from R-1 (Single-Family Dwelling District) to P-F (Public Facilities District) zoning classification located at 920 NW 38th Street. Exhibits: Ordinance No. 98-37; Location Map; Site Plan; Applications; Analysis; LMAPC Minutes.

Bigham reviewed the location of the property and said the purpose for the rezoning is to accommodate the approval of the building permit; it is a nonconforming building and the rezoning will accommodate building to a nonconforming setback.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOTION by Sadler, SECOND by Smith, to approve Ordinance No. 98-37 amending the 2020 Land Use Plan from Residential-Single Family and Duplex to Public/Quasi-Public and changing the zoning from R-1 (Single-Family Dwelling District) to P-F (Public Facilities District) zoning classification located at 920 NW 38th Street.

(Title read by Clerk) Ordinance No. 98-37

An ordinance amending the 2020 Land Use Plan from Residential-Single Family and Duplex to Public/Quasi-Public and changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to P-F (Public Facilities District) zoning classification on the tract of land which is hereinafter more particularly

described in Section Two (2) hereof; authorizing changes to be made in the 2020 Land Use Plan and upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION, AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler. AYE: None. MOTION CARRIED.

Shanklin pointed out how many people have reviewed this before the request was considered and suggested there should be a way to get through this without so much review, to include traffic counts. Baker said they will see if there is some way to streamline the process.

Purcell said they need to review all of their rezoning to get this fixed, and there does not seem to be much progress in that area.

3. Hold a public hearing to consider an ordinance closing a right-of-way for an abandoned twelve (12") inch water line located between NW Sheridan Road and NW 21st Street which bisects Lots 3 and 4, Thompson Subdivision. Exhibits: Location Map; Ordinance No. 98-38.

Bigham said this item relates to a water lined installed in approximately 1911. The water line was abandoned and it is anticipated that the owner, Mr. Gaskins, will file a petition in District Court to vacate. Staff recommended approval of the ordinance.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOTION by Purcell, SECOND by Smith, to approve Ordinance No. 98-38 closing the right-of-way located between NW Sheridan Road and NW 21st Street and more particularly in Lots 3 and 4, Thompson Subdivision, and declare an emergency.

(Title read by Clerk) Ordinance No. 98-38

An ordinance closing the easement between NW Sheridan Road and NW 21st Street which bisects Lots 3 and 4, Thompson Subdivision; and declaring an emergency.

VOTE ON MOTION, AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

4. Hold a public hearing and adopt resolutions declaring structures listed herein to be dilapidated and detrimental to the health and safety of the community and authorize the expenditure of CDBG funds, if necessary, to demolish the structures: (A) 610 SW B Avenue; (B) 2601 SW B Avenue; 1408 SW E Avenue; (D) 1312 SW G Avenue; (E) 403 SW Garfield; (F) 1003 SW H Avenue; (G) 1901 SW 6th Street; (I) 512 SW 9th Street; (J) 1902 and 1904 S Highway 277. Exhibits: Resolutions.

A. 610 SW B Avenue

Dennis Woommavovah, Code Administration, presented a video of the property with the following information: The owner was first notified in October of 1997; reports from the Fire Marshal and Historical Society indicated the property was not eligible for historical purposes and that the structure should be removed. The property is partially secured; has had no utilities for some time and has been utilized for storage. The property owner indicated plans to level the building and the one in front (612 "B" Avenue) and requested additional time, the owner indicated it would take 3 to 6 months to renew the building permit.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING RECESSED.

Shanklin asked if the owner wanted additional time. Woommavovah said the owner indicated he could get it done in six months and he told the owner he would have to talk to the City Council. He said he didn't see a problem with the owner's request because he has kept the property secured.

Williams asked if there was a broken window. Woommavovah said he did not think so. Sadler said he thought there was a broken window, he had not noticed the building before because it sets back in between two other homes but he would not have any problem waiting a while because it is made out of block.

Shanklin asked if this could be tabled. Vincent suggested that the bottom paragraph on page 35 which states the property owner shall have 15 days could be extended to six months. Shanklin said once they do that they are broadening their ordinance; the owner could get a remodel permit and later decide to tear it down. Shanklin said the owner will have two weeks to decide whether he wants to remodel or demolish.

MOTION by Shanklin, SECOND by Williams, to adopt Resolution No. 98-159. AYE: Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-159

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed.

Address/Legal: 610 SW B Avenue; Lots 5-6, Block 29, Lawton Original Addition.

Owner: J. T. Neal Insurance Agency, Inc.; Mortgage Holder: American National Bank

B. 2601 SW B Avenue

Woommavovah reviewed the video of the structure, which is unsecured and appears to have had transients. The Fire Marshall indicated there have been several fires started in the facility; no utilities have been connected for approximately 1 years; the property is quite deteriorated and it would take quite a bit to repair this structure. There has been no contact from the owner or the mortgage company.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING RECESSED.

MOTION by Sadler, SECOND by Smith, to approve Resolution No. 98-160. AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-160

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed.

Address/Legal: 2601 SW B Avenue; Lots 43-44, Block 5, College Addition

Owner: Robert Littlefield; Mortgage Holder: Norwest Financial Oklahoma Inc.

C. 1408 SW E Avenue

Woommavovah reviewed the video of the structure and said the property has two structures. The owner indicated he would like to fix the property and has picked up a building permit application to remodel but has not obtained the permit and has made no further contact. There is a substantial amount of work required if the structures are to be used.

Williams said when they approve a resolution declaring a structure dilapidated, asked if there is a certified letter sent to the owner of what has happened and the time limitations to do something. Woommavovah said they don't send a certified letter but they do send a copy of the resolution and a letter informing the owner of the number of days they have to obtain a permit to remodel or demolish the property or the city will proceed. Woommavovah said a certified notice is not required by Code, they send a copy of the action taken at the public hearing but not by certified mail. Warren said the original notice is sent certified.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING RECESSED.

MOTION by Shanklin, SECOND by Smith, to approve Resolution No. 98-161. AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-161

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed.

Address/Legal: 1408 SW E Avenue; E 3'1" of Lot 5 and all of Lot 4, Block 18, Lloyd Addition Owner: Alan & Rebecca Ann Putney; Mortgage Holder: None

D. 1312 SW G Avenue

Woommavovah reviewed video of the structure; the property is vacant and has had no utilities for some time; has a problem with high weeds and grass; the Fire Marshall indicated the structure needed to be removed; there has been no contact from the property owner.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING RECESSED.

MOTION by Haywood, SECOND by Purcell, to approve Resolution No. 98-162. AYE: Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-162

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed.

Address/Legal: 1312 SW G Avenue; Lot 6, Block 10, Waldman Addition

Owner: William & Bonnie Armstrong; Mortgage Holder: Eagle Builders Supply

E. 403 SW Garfield Avenue

Woommavovah reviewed video of the structure; there seemed to be a discrepancy in who actually was responsible for the property, a person in Cache indicated they had control and a person in California indicated they had control but neither one indicated whether they were going to remodel or tear the structures down. Notice was sent to both parties and the attorney.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING RECESSED.

MOTION by Haywood, SECOND by Smith, to approve Resolution No. 98-163. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-163

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed. Address/Legal: 403 SW Garfield Avenue; Lot 10, Block 11, Airport Addition Owner: Leonard L. Adams c/o Lurlene Harrison; Leonard Adams; Gerald Neuwirth Mortgage Holders: None

F. 1003 SW H Avenue

Woommavovah reviewed the video of the structure which is an accessory to the main structure which is occupied by renters; no contact was made by the property owners.

OPENED PUBLIC HEARING. No one appeared to speak. PUBLIC HEARING RECESSED.

MOTION by Shanklin, SECOND by Purcell, to approve Resolution No. 98-164. AYE: Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-164

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed.

Address/Legal: 1003 SW H Avenue: Lots 27 & 28. Block 12. Woods Addition

Owner: Richard G. Gutierrez c/o Darlene Ehmer; Mortgage Holder: Empire Funding Corp.

G. 1901 SW 6th Street

Woommavovah reviewed video of the structures with the following information; there are six deteriorated structures on the property; the owner indicated he would be in to obtain a building permit to demolish the structures but the there has been no further action from him; the owner was contacted in April concerning the structures.

PUBLIC HEARING OPENED.

Stanton Warren said he was present on behalf of his uncle, John G. Hamilton and his mother Ellen G. Mackowicky. He said there are more buildings located on this property which may be indicated on the agenda as (J) 1902 and 1904 Hwy 277; the structure being viewed is the main home and the main structure and it was their understanding at the beginning of the year when they were contacted by the City that this one was acceptable if they boarded it up. He said there are approximately 10 buildings on the property and some of them are garages and a couple of others which they believe they need to comply and demolish them; there are several other structures that could be secured. He said his mother is in Oklahoma City and is unable to do this and that is probably why there has been no response, they would like to be able to tear down the structures in question that are irreparable and secure the others.

Shanklin asked Mr. Warren if he realized he would have six months to remodel and bring the buildings up to code and asked if he had any intentions to do so. Stanton Warren said it would be cost prohibitive to bring some of them up to code and even to demolish some of them. He said they could remove two or three of them that really need to go because they are fire hazards, they could secure the main structure and some of them that are structurally sound could be boarded up with plywood and painted and clear the brush and demolish the others. He said the only defense is that these buildings set on property away from any other neighborhood, it is self contained on a corner and citizens cannot see any of the really bad structures from the road. He said these buildings have been there for 40 years that way and all of a sudden this year it came to the surface and agreed something needed to be done. Shanklin asked if he could tear them all down now. Mr. Warren said no, but they could make an effort to, there are three or four buildings they could probably get rid of immediately such as the garages. He said his sister lives in one of the duplexes, there are four duplexes and they have their own water, electricity and sewer and his sister has lived there for 30 years.

Purcell asked Woommavovah if they passed the resolution and Mr. Warren decides to get a demolition permit, how long does he have to demolish the building after he gets the permit. Woommavovah said he would have two weeks to start the demolition and 30 days to complete it.

Purcell asked if Mr. Warren was saying the time wouldn't be long enough. Stanton Warren said they would give it their best shot. Shanklin said he could get a permit to demolish some and a permit to remodel on others and four months later could decide to tear them down, nothing precludes him doing that. Purcell said Mr. Warren wants to tear down quite a few and two weeks would not be enough time to get them all torn down.

Haywood said he talked to Mr. Warren's sister and his mother briefly and thought they may be able to consider six months.

PUBLIC HEARING RECESSED.

Williams said you would have to be looking for the structures to find them, there are no other neighbors close by. He said because there are so many structures involved, some good, some reparable, some that need to be torn down, suggested they table the item, ask the owners to get with Code Administration, identify what structures would need to be torn down, which could be remodeled and a plan of action be brought back to the Council. He said if they table this for 30 days that should be enough time for the owners to identify, with Code Administration, what plan of action and recourse they have.

MOTION by Williams, SECOND by Haywood, to table the action for 1901 SW 6th Street for 30 days, to allow time for the owners to identity, with Code Administration, a plan of action. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler. NAY: None. MOTION CARRIED.

I. 512 SW 9th Street

Woommavovah reviewed video of the structure with the following information; the owner indicated that he wanted to tear it down and then asked if he could remodel it and was told that after the public hearing he could get a building permit to start remodeling two weeks after the public hearing; Scoggins Realty contacted them and indicated they would be applying for a building permit to remodel the structure.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING RECESSED.

MOTION by Shanklin, SECOND by Smith, to approve Resolution No. 98-165. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-165

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed.

Address/Legal Description: 512 SW 9th Street; Lot 8, Block 58, Lawton Original Addition Owner: Floro M. & Pilar N. Flores; Mortgage Holders: None.

J. 1902-1904 Highway 277

Woommavovah reviewed video of the structure with the following information; this property is owned by the same property owners in (G) 1901 SW 6th and Stanton Warren was also talking about this property at the same time because his sister lives in the fourth duplex of the structures; the first two of the structures are in deteriorated condition but the second two are structurally sound; the third structure is an accessory building and needs to be removed; there are five structures on the property and three of the five would have to be demolished.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOTION by Shanklin, SECOND by Haywood, to table the action of 1902-1904 Hwy 277 for 30 days. AYE: Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

5. Consider adopting a resolution amending Resolution 97-128, Resolution 97-129, Resolution 98-124 and Resolution 98-125, condemning the structures at 1403, 1403-1/2, 1405 and 1405-1/2 NW Dearborn Avenue, Lawton, Oklahoma, allowing additional time to obtain a permit to demolish. Exhibits: Resolution No. 98-166.

Vincent said at the prior Council meeting Rev. Lionel Hanson, Pastor of The New Rock Church, requested that the resolution be reconsidered to allow the church members to demolish the property. He said a resolution has been prepared allowing 15 days to obtain a building or demolition permit.

MOTION by Shanklin, SECOND by Sadler, to approve Resolution No. 97-166, amending Resolution 97-128, Resolution 97-129, Resolution 98-124 and Resolution 98-125, condemning the structures at 1403, 1403-1/2, 1405 and 1405-1/2 NW Dearborn Avenue, Lawton, Oklahoma, allowing new property owner fifteen (15) days from the date of this resolution to obtain a permit to demolish the structures at 1403 NW Dearborn Avenue, Lawton, Oklahoma, 1405 NW Dearborn Avenue, Lawton, Oklahoma, AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-166

A resolution amending Resolution 97-128, Resolution 97-129, Resolution 98-124 and Resolution 98-125, condemning the structures at 1403, 1403-1/2, 1405 and 1405-1/2 NW Dearborn Avenue, Lawton, Oklahoma.

6. Consider approving an Intergovernmental Agreement for Public Safety Services between the City of Lawton and Fort Sill. Exhibits: Proposed Agreement.

Vincent said they have prepared an agreement between Fort Sill and the City of Lawton for the DARE E-911 dispatch services; the firearms training facility; the DARE program, etc. and the paperwork is currently going through the channels at Fort Sill. He said the draft of the agreement is in the agenda packet and staff is recommending approval of the draft agreement upon Fort Sill providing them with a signed document.

MOTION by Purcell, SECOND by Smith, to authorize the Mayor and City Clerk to execute the intergovernmental agreement contingent upon Fort Sill providing a signed document. AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

7. Consider suspending Section 5E of Council's Rules of Procedure, and if suspended, consider a request from Advancia Corporation for the turnbay on Lee Boulevard and consider infrastructure support in the development of the Lawton Technology Park located at approximately Southwest 40th and Lee Boulevard. Exhibits: Letter of request from Advancia; Development Plan; Cost details prepared by Landmark Engineering.

Purcell said he had a conflict of interest and would not be participating in the discussion of the item. Purcell left the room at this time.

Baker said Advancia is requesting the City to support the development of a Technology Park at SW 40th Street and Lee Boulevard. He said one item they are requesting is that the City approve and construct a left turn bay on Lee Boulevard; Council previously approved the concept but indicated the cost would have to be paid by Advancia and in order to discuss the item City Council will need to suspend the rules of procedure. He said the other two items are to build an access road into the area which would involve applying for industrial access funds and to install appropriate street lighting. He said in exchange for this request, Advancia has donated property to the Lawton Industrial Development Authority (LIDA), they had originally offered this property to the City, however the City Attorney advised that if the City were to accept the property, they could not dispose of it except under certain conditions so they would not have any flexibility. Advancia's intent on donating the property was that it be used for future technology based industries, so it served a better purpose to donate the property to LIDA and it has been done.

MOTION by Beller, SECOND by Shanklin, that Section 5E of Council's Rules of Procedure be suspended. AYE: Smith, Williams, Sadler, Shanklin, Beller, Haywood, Warren. OUT: Purcell. NAY: None. MOTION CARRIED.

Beller said they need to consider the cost involved very seriously, a \$90,000 turn bay is a lot of money to commit to at this stage of development. Shanklin asked if the city can spend those funds. Vincent said the industry meets the definition of industrial development under the local industrial development act so if the funds are available they could be approved by the City Council for the expenditures.

Shanklin asked where they came up with the \$90,000, they have been putting them in for \$30,000. Beller said this

is for the street and the turn bay.

Baker said they are asking for City Council authorization to apply for industrial access funding, the State would then provide the funding for the surface and are asking the County to cooperate in doing the base work, all the City is looking at is the materials for the road and turn bay. He said if ODOT or the County Commissioners fail to approve the agreements, the City would be under no obligation to construct the roadway or turn bay. He said if either of those are not approved, the Council would not be obligated to anything. Vincent said staff is recommending that be in the motion.

Warren asked if the \$65,000 looks like a good number for the City's involvement. Jerry Ihler, Public Works/Engineering Director, said \$65,000 is the estimate provided by Landmark Engineering, the City's portion would not be the entire \$65,000, if the City had to contract the services of the aggregate, the road bed and base work and the sub-grade preparation, the contract price was estimated at \$41 to \$42,000. He said the recommendation for the turn bay is that ODOT construct the entire turn bay to include the road bed, base work and surfacing, the City would provide the money for the materials for the road base at the entrance to the road, not the turn bay.

Shanklin said the recommendation is that the City not spend any money on the turn bay. Ihler said that was correct. Powell asked if ODOT would do that. Ihler said it is something they normally do not do but that is the recommendation they are making, ODOT has done that on Gore Boulevard. Beller said ODOT built a turn bay just a few blocks east so they have obviously set a precedent so they should certainly be able to get a turn bay for Advancia. Ihler said those particular turn bays were actually passed on the highway bill.

Shanklin said the recommendation includes that the City will not be obligated to construct a road way or the turnbay if the County Commissioners and ODOT do not do what they are being requested to do so he did not have a problem with the request. Williams asked if there is a cost involved. Shanklin said it is \$14,000.

Powell said two to three months ago Mr. Pokorny made the proposal to him to donate or give the land to the City of Lawton and they had talked about bringing technology to Lawton/Ft. Sill and he met with Baker about what they could do with land that belongs to the City of Lawton and talked with Marilyn Fever and asked for it to be placed in their hands and where it could be stipulated what could go in there because it is their desire, due to their spending millions of dollars, to construct a high tech park and did this because of the proximity of Cameron and from the Technology Forum they have at Ft. Sill on September 23, Cameron University has picked up on this and are moving forward with another meeting. He said this is moving rapidly forward and urged the Council to work this out with the County and ODOT and to do their part if possible.

MOTION by Warren, SECOND by Shanklin, that the City provide funding for the road base and street lighting and allow ODOT to take care of the turn bay with the understanding that all participants are agreeable as described, with the funding not to exceed \$8,000.

Williams said they are treading in some real unknown territory, he is for acquiring as much assistance for Advancia as possible utilizing every avenue avenues available to them and the County for economic development but it appears this entity is a for profit company and the City is being asked to spend taxpayer money to benefit a for profit company and agreed there are some economic development advantages but he was not convinced at this point to be able to support it.

Warren said they have provided the same type funding and available access to Republic Paper Board, Bar S Foods and a number of other entities and didn't see how this was any different.

Shanklin said the City Attorney said they qualify, that they can help them under the Lawton Industrial Development Act, they aren't violating anyone's tax money. Sadler said the turn bay referenced earlier a few blocks east was a state highway system and that this would not be and asked if that was correct, if the State highway turns north on Sheridan. Beller said the turn bay was at the Department of Human Services on Lee.

VOTE ON MOTION: AYE: Sadler, Shanklin, Beller, Haywood, Warren, Smith. NAY: Williams. OUT: Purcell. MOTION CARRIED. Purcell returned to meeting at this time.

8. Consider approving a Request for Proposal (RFP) for Co-composting Municipal Solid Waste. Exhibits: Request for Proposal.

Baker said the RFP for the co-composting is for all municipal solid waste; it is not limited to yard waste and those types of materials.

Shanklin asked if it is for anything that is accepted at the landfill right now and response was affirmative. He asked if they are asking for the insurance to be able to submit an RFP. Ihler said if they want to award a contract, the company will need to be able to provide a certificate of insurance that they have the employers liability and

comprehensive automobile liability because the last time they received proposals it was a significant amount so they feel they need proof that they have insurance of this nature.

MOTION by Shanklin, SECOND by Haywood, to approve a Request for Proposal (RFP) for Co-composting Municipal Solid Waste.

Purcell complimented Jerry Ihler and said it was a well written RFP. Shanklin said they want the one on the water to be written in a generic way also, two weeks from now.

VOTE ON MOTION: AYE: Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

9. Consider approving the necessary documents authorizing the application for the continuance of the Southwest Region Minority Business Opportunity Committee and necessary matching funds. Exhibits: None.

Baker apologized for not having more information with the agenda item, there were no documents to provide, this was a very speedy process. Mr. John Veal, MBOC Executive Director, received a Federal Register in September advising him that the whole MBOC program would change and that existing MBOC's would expire December 31, 1998 and there would be no extensions so all applications would be considered new programs and the deadline was October 8. He said Mr. Veal arranged for an extension to October 16 because there were no City Council meetings before October 8 and they had to bring this to City Council. He said they had a series of meetings with Mr. Veal and discovered that during the last year, MBOC has been incorporated as a non-profit organization and under the new Federal Register a non-profit organization can apply for grants from the Department of Commerce so it appears the City of Lawton does not have to continue its role as grantee and or monitor of the funds and require all the administrative oversight of the program. He said Mr. Veal is requesting the City's support of this program so that in his application he can indicate the City's support.

John Veal, Executive Director SWRMBOC, said over the course of the last few months they have been encouraging more minority businesses to get involved so they could take an active part in the bidding opportunities for the City which puts more businesses to work providing more money to spend in the economy. He said they held a number of different workshops and seminars in Lawton bringing people from across the state bringing revenue to contribute to the City. He said they contribute to the schools and are getting more youth involved and looking at how they can be involved once they graduate. He said they are basically asking for a commitment from the City to provide MBOC support in a hard cash match of \$16,000 and a soft match of \$22,095 and that they looked at appointing a member of the City Council to sit on the board of MBOC; he provided an in-kind breakdown so the Council could compare the numbers between this year and last year. He said the business proposal covers three years and will be working with the City Council on an annual basis.

Vincent asked Mr. Veal if the in-kind match would be the same services that were provided last year. Mr. Veal said no, it would be more than was provided last year. Vincent asked if the services that Mr. Veal is requesting would be the same. Veal said there was a change on that, there is less involvement from City staff as it relates to processing administrative documents, the change would be more support from the print shop and quarterly meetings with the City Manager.

Beller said Mr. Veal said there would be support from the print shop and the document seems to be two different proposals, one has a staff of three and one has a staff of four. He asked what the difference was. Veal said the initial proposal he wrote was looking at a development staff of four people and there was a lot of controversy to that and wanted to provide a comparison of the current staff size and a staff of four so they could see the dollar difference in the proposal which will not effect the City's contribution to the project. Beller asked if they currently have a staff of three. Veal said yes and they are housed at Vo Tech.

MOTION by Haywood, to approve the necessary documents authorizing the application for the continuance of the Southwest Region Minority business Opportunity Committee and necessary matching funds.

Beller said this is for \$16,000 and last year they did an in-kind and no monetary support other than in-kind and asked what happened to that proposal. Veal said they are looking at obtaining the same level of support from the state and the state told him they would consider supporting the MBOC on the same level provided it was matched by a hard match from the City. He said last year when the proposal was done the City was not required to provide a 30% match as it is this year, last year it was only 24%.

Beller said they get into something thinking it is going to be a real good deal and they got into it with an in-kind contribution and now it is up to \$16,000 cash and they don't know what it will be next year, it could be another increase, once they create something, in order to sustain it, the costs continually increases and they are doing good but how much good can they afford to do. Veal said the document he provided outlines their budget for the next three years because it is a three year proposal so the level of support stays the same. Beller asked if the level of support will be the \$16,000 cash and \$4,000 in-kind for the next three years. Veal said it is not locked in because it

is reviewed on an annual basis.

Williams asked if CDBG money could be used for this. Baker said it was his understanding that they cannot match a federal program with federal funds.

Beller asked where the funding for the program will come from. Baker said at this point it would come from the general fund, possibly Council Contingency or the Council could direct him to find it somewhere and he would look for it or they could take an IOU. Beller asked how much they have in Council Contingency. Livingston said approximately \$140,000 to \$150,000. Baker asked if they would need a budget amendment to fund it from Council Contingency. Livingston said if Council directs they would not have to do a supplemental, they would just do a transfer.

MOTION by Haywood, SECOND by Williams, to approve the necessary documents authorizing the application for the continuance of the Southwest Region Minority Business Opportunity Committee and necessary matching funds in the amount of \$16,000 from Council Contingency. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler. NAY: None. MOTION CARRIED.

10. Consider adopting a resolution in support of the Day of Remembering and Rebuilding for the official ground breaking of the Oklahoma City National Memorial on October 25, 1998. Exhibits: Resolution No. 98-167.

Purcell said when they went to the Oklahoma Municipal League meeting, the Memorial Committee was trying to get more cities to pass a proclamation to support the ground breaking ceremony on October 25, and anyone can take their own shovel and participate in the ground breaking.

MOTION by Purcell, SECOND by Haywood, to adopt Resolution No. 167. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-167

A resolution proclaiming October 25, 1998, as a Day of Remembering and Rebuilding for the Official Ground Breaking for the Oklahoma City National Memorial.

11. Discuss exempting the Lawton Public Schools from Landfill fees for refuse hauled by maintenance personnel. Exhibits: Letter from Lawton Public Schools.

Baker said Lawton Public Schools has estimated that they have been paying approximately \$3,000 year and the City's records indicate they have spent approximately \$500 this last year.

Vincent said he and his staff researched this issue and found in the trust indenture document and in the lease document between the Lawton Water Authority and City of Lawton that there are requirements that no free services be given at landfill. He said residents can take things to the landfill but they are paying a refuse fee and the School does not pay a refuse fee of any kind to the City of Lawton, therefore, if the Council directs that this be done, they can either amend the lease document, which would require amending all the bonded indebtedness that exists, which would take months to get permission of all bond holders, or the other way would be to pass a resolution amending the fee structure allowing all governmental entities that deliver refuse to the landfill in their own trucks, not to exceed a certain size, to deposit refuse at the landfill for a fee of \$10 to \$15 a load but they cannot give away free service to anyone because of the trust documents.

Purcell asked if the fee structure could be amended to state they would pay \$3,000 or \$500 a year to use the landfill, with their trucks only, for governmental agencies. Vincent said that is the same idea of what he was talking about. Purcell said they wouldn't have to get into the size of the trucks. Vincent said a lot of the governmental entities use a private waste hauler that may or may not come to the City of Lawton so they want to limit it to the entity's employees and trucks. Purcell said they would not need to worry about the size of the truck, they would just pay a fee of \$3,000 a year. Vincent said they could do that.

Shanklin said they are trying to get away from being charged. Baker said that would not accommodate their request because they would be paying as much as they are now. Purcell said he thought they were concerned with it going up. He said they shouldn't object to \$500 a year.

Beller said when they put the document together, it should specify only waste from LPS; it is his understanding they have private contractors that have been contracted by LPS, the Marriot Corporation, etc. and he was concerned with other customers or clients outside of Lawton. Powell said that would have to be defined that it would only be LPS. Vincent said they would have to say only by the governmental entities that are taking it to the landfill and it must be non-discriminatory.

Williams said he thought there was someone who goes by and picks up any extra foods, they probably recycle paper and asked what else they would be throwing away. Powell said they would be discarding items that had been

stored in buildings for years, such as Dunbar, and have to clean them out and when they do that DEQ is on site to make sure it is done in a proper manner, it isn't that much at all.

Warren said he hoped that when they write the document that they lean towards the per trip charge because if not, they are leaving it open to LPS for when their contract runs out because it would be cheaper for them if they sign that contract to purchase 3 trucks and haul their own trash. Shanklin said after reading Mr. Braddy's letter he can't see what \$3,000 means to an \$84 million dollar budget.

Powell said he wanted to remind the citizens and Council that the City uses 25 of the School's facilities for participation of their little league programs and there is no money exchanged, they don't charge them anything and asked if that was correct. Vincent said that is what he had been told. Smith said that was the threat they gave in the letter, that they would start charging apparently. Powell said he didn't think it was a threat, it was an informational item. Warren said they could look at that in reverse, they provide manpower to handle little league programs in their facilities, they handle the scheduling and a lot of other things so it isn't just something LPS gives them.

MOTION by Williams, SECOND by Beller, to table the request.

Powell asked how long Williams wanted to table the item. Williams said indefinitely and Beller said it would be based on their research. Williams said there may need to be a better working relationship between LPS and the City and didn't know where their relationships are and he didn't have a problem in trying to identify where costs are shared, where buildings and properties are co-owned and co-mingled and requested to table for 30 days.

VOTE ON MOTION to table for 30 days: AYE: Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

12. Consider the approval of the establishment of a liaison position to coordinate, foster and develop joint activities between the City of Lawton and Fort Sill and take other appropriate action. Exhibits: None.

Williams said he appreciated the Mayor and General putting together the meeting that was held at Fort Sill and he and John Vincent discussed some things and as a result they have an item identifying and establishing a liaison position. He said there is no money in the budget this year but there are some great opportunities that the City and Fort Sill could work together to reduce costs for both entities and asked the Council to consider this at the next budget for a hard position and work with the City Manager's office and City Attorney's office to work the existing drafts right now and see where it leads to at the next budget time.

Purcell said they have the position right now which is the logical position and that would be the assistant city manager because when you go to Ft. Sill, the liaison would be at that level and it is a great idea and they don't need a new position or any money, it falls in the area of the assistant city manager.

Beller said in looking at the projects that would be discussed, when they talk about public transportation, etc. it seems in the planning stage, it should be in the planning department and the perfect individual to assume this responsibility without creating another position would be Bob Bigham. He said he talked briefly with Mr. Bigham this evening and he would be glad to be able to get involved in this even though he has a plate full. He said he didn't think they needed to develop a position and hire a person to do it and didn't think there would that much actual involvement and suggested the city manager discuss it with Mr. Bigham and if he could assume the responsibility, they could start almost immediately without waiting for a budget session and having to determine if they could afford it.

Baker said this is something the new city manager could look at and would like to have a part in determining which key staff might assume those duites and also whether or not an additional staff person was needed. Beller said he would support it if it doesn't include hiring another person.

Williams said he didn't have a problem with that and agreed in part with both Purcell, Beller and Baker and whatever decision would be made if he were in the position of city manager he would like to have a hand in that as well.

MOTION by Williams, SECOND by Haywood, to table the establishment of a liaison position until the first meeting in December. AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

13. Consider adopting an ordinance amending Section 22-144, Chapter 22, Lawton City Code, 1995, changing the wording of disposal of material from structures condemned by Council resolution and demolished and removed by the owner, or his agent, and establishing an effective date. Exhibits: Ordinance No. 98-

Vincent said it appears there may have been some confusion when Section 22-144 was adopted several months ago. He said he thought the intent of the Council was that when an owner demolished his own structure, without

the condemnation document by getting the notice and destroys the structure, then he has to hire someone to haul the materials to the landfill. Vincent said they have inserted "the owner or his agent" to be allowed the reduced price and they would have to work out the paperwork with the Code Administration Department as to what type of document they will give to the owner when he gets his demolition permit to show that he is complying with the ordinance. He recommended approval of the insertion of "the owner or his agent" in subsection A. of Section 22-144.

Purcell asked if an owner is demolishing a house and hires company X, is that the agent. Vincent said the hauling company would be the agent. Purcell said they would be getting paid to haul it away and that is the agent, as opposed to the owner, is tearing down a building, and a friend helps him and hauls it to the landfill as his agent. Vincent said it could be the friend also. Purcell said he has a problem if the owner has hired someone to do this and won't charge them. Vincent said they would be charged the reduced rate.

Shanklin said it is 50% and didn't think it should be 50%.

Williams said no owner of a dilapidated structure has the wherewithal to tear it down so they contract with someone with a backhoe and they push it over and load it onto a dump truck and take it out there, He said if the landfill fees were directly charged back to the owner, the owner gets a small break and the contractor doesn't profit one way or the other, the fees are paid by the owner of the dilapidated structure.

Shanklin asked if CDBG funds are used to do a demolition project, to include one at 610 "B". Beller asked if CDBG funds are used if it is still placed on the tax rolls against the property owner. Response was that the costs are still put on the tax rolls. Beller said the property owner, regardless of his financial position, is still responsible to pay the cost.

Williams said these situations would not come before Council; it would be where the owner has received notice from the City, gets the necessary permit to tear it down and does so. Shanklin said he has a commercial building that needs to be torn down so a person could demolish a three story building and get a 50% landfill fee reduction.

Warren said his concern would be that if there is a citizen that is unable to take care of the property and that person is contracting with someone to demolish the building, that contractor will include moving the materials and the contract price won't change if they provide a 50% discount at the landfill.

Shanklin asked if it depends on whether it is a residence or a commercial building because if he wants to tear something down he would get a permit and it would be half price and he didn't like that. Warren said it would just be for condemned property. Vincent said it is only for properties condemned by the Council resolution and allowing 15 days to get a permit. Shanklin said that wasn't what he understood.

MOTION by Purcell, SECOND by Smith, to deny the ordinance. AYE: Warren, Smith, Sadler, Purcell, Shanklin, Haywood. NAY: Williams, Beller. MOTION CARRIED.

Shanklin asked if they are just striking the 50% and not the agent. Vincent said the only thing proposed in the item was the inclusion of the "agent" and if Shanklin wanted the 50% changed, they would have to come back with a different item. Shanklin asked what the intent of the motion was. Purcell said the ordinance is already in place to include the 50%, they were only going to add "agent" and his motion was to deny the ordinance but the 50% is another issue.

14. Consider adopting a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, changing the wording of disposal of material from structures condemned by Council resolution and demolished and removed by the owner, or his agent, and establishing an effective date. Exhibits: Resolution No. 98-

Due to the denial of Item 13, this item was not considered.

15. Consider approving an ordinance amending Section 17-163, Chapter 17, Lawton City Code, 1995, as amended by Ordinances 97-26 and 98-25, regarding workers compensation injury provisions and providing for severability. Exhibits: Ordinance No. 98-39.

Chuck Bridwell, Human Resources Director, said this ordinance was drafted at the request of the department directors because there was some confusion in the language regarding employees who had exhausted their 26 weeks of on the job injury leave and what the status should be after that. He said they have tried to be as specific as they can as to the process and procedure when that occurs.

MOTION by Shanklin, SECOND by Smith, to approve Ordinance No. 98-39 amending Section 17-163, Chapter 17, Lawton City Code, 1995, as amended by Ordinances 97-26 and 98-25, regarding workers' compensation injury provisions and providing for severability.

(Title read by Clerk) Ordinance No. 98-39

An ordinance amending Section 17-163, Chapter 17, Lawton City Code, 1995, as amended by Ordinances 97-26 and 98-25, regarding Workers Compensation injury provisions and providing for severability.

VOTE ON MOTION: AYE: Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

16. Consider an ordinance creating Section 20-3-302, Article 3, Chapter 20, Lawton City Code, 1995, which establishes criteria for curb openings and parking area associated with local street reconstruction projects; and providing for codification, and rescinding Council Policy No. 31. Exhibits: Ordinance No. 98-40.

Bigham said this is a house cleaning item, Council Policy 31 adopted in 1983 was to provide flexibility to the City Engineer when doing local street design projects. Engineering tried to design the project in accordance with Chapter 18 requirements and sometimes they have existing conditions that create a hardship for adjacent property owners. He said the situation when this policy was adopted was the street on the west side of Will Rogers Elementary School, they had on street parking for years and when the street project was being designed, they put a curb in and eliminated all the parking on the west side of the school. Since then there have been other cases where this has occurred and the City Engineer has designed the best situation for the use. He said they are really not changing anything, they are just going from a Council Policy and putting the same intent as a provision in the City Code to provide the City Engineer or the Public Works/Engineering Director the same flexibility and provide them the design to meet the conditions depending on the situation.

Shanklin asked how this is cleaning house. Bigham said they are eliminating the Council Policy and inserting the same intent into the City Code, it still provides the same flexibility in designing local residential street projects. Shanklin asked if they poured 9th Street past Will Rogers and put a curb in front of their parking and later had to remove it. Bigham said they didn't get that far but that was one of the problems in not having any policy, engineering or a contractor would design a project, go through the bidding process and it wouldn't be until the contractor showed up at the site. Shanklin said there are some hard core number they go by as far as cuts and where they would be and asked if they are still adhering to those. Bigham said in cases where they can, they will, but in situations where they can't meet those requirements, this gives the engineer that flexibility. Shanklin asked if it would be his discretion to deviate from the Code.

Purcell asked if this ordinance had anything to do with cuts in the medians. Bigham said no, only the design of local residential streets.

MOTION by Shanklin, SECOND by Haywood, that Ordinance No. 98-40 be adopted and that Council Policy 31 be rescinded.

(Title read by Clerk) Ordinance No. 98-40

An ordinance relating to streets and sidewalks, creating Section 20-3-302, Article 3, Chapter 20, Lawton City Code, 1995, which establishes criteria for curb openings and parking area associated with local street reconstruction projects; providing for codification; and providing for severability.

VOTE ON MOTION: AYE: Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

Beller said regarding Item 18 and the OK Barber Shop, there is some confusion because of the ownership of the building and the renters both having claims. He said he is involved in that item and asked if he should make a motion to table. Vincent said the claim filed is valid from the owner of the shop, however, the owner of the real estate, Mr. Beller, has not filed a claim and Council could consider the shop owner's claim and then if Beller files a claim, as the real estate owner, they would consider that at that time. Beller said he would abstain from voting on Item 18.

ITEMS 17 AND 18 WERE CONSIDERED SEPARATELY AS SHOWN BELOW.

19. Consider a resolution authorizing the installation of traffic control devices at specified locations. Exhibits: Resolution No. 98-168; Excerpts from Draft Minutes of Traffic Commission meeting of September 17, 1998.

(Title only) Resolution No. 98-168

A resolution authorizing the installation of traffic control devices at certain designated locations within the City of Lawton, Oklahoma.

Locations: (1) Install "Stop" sign at intersection of NE Independence and Flower Mound Road (stopping westbound Independence); (2) Install crosswalks for the south and east legs of NW 63rd and Euclid intersection and install "Stop for Pedestrian in Crosswalk" signs along NW Euclid (east and west bound) at NW 63rd Street; (3) Install

"Yield" signs at intersection of Crystal Hills Drive and SW 75th Street (yielding east/west traffic along SW 75th Street); (4) Install "Stop" signs at intersection of Crystal Hills Drive and SW Beta (stopping east/west traffic along Beta).

ITEM 20 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

21. Consider approving a resolution authorizing the execution of Amendment No. 1 and approve Amendment No. 1 to the contract between the City of Lawton and the Lawton Chamber of Commerce and Industry which provides for the promotion and fostering of industrial development, economic development, conventions and tourism to provide for the placement of an M101A1, 105mm, Towed Howitzer as a conditional gift from the United States Army. Exhibits: Resolution No. 98-169; Amendment No. 1 to the Agreement. (Application for placement of the Howitzer and Agreement between LCCI and Bill Burgess on file in City Clerks Office)

(Title only) Resolution No. 98-169

A resolution approving Amendment No. 1 to the agreement between the City of Lawton, Oklahoma, and the Lawton Chamber of Commerce and Industry, Inc., for the administration of the hotel tax for the purpose of encouraging, promoting and fostering industrial development, economic development, conventions and tourism within the City of Lawton.

22. Consider adopting a resolution prohibiting parking along both sides of Ard Street due to construction activity at the Republic Paperboard construction site. Exhibits: Resolution No. 98-170.

(Title only) Resolution No. 98-170

A resolution authorizing the installation of traffic control devices at a certain designated location within the City of Lawton, Oklahoma.

Location: (1) Install No Parking Signs along both sides of Ard Street from Lee Boulevard to Neal Boulevard.

ITEMS 23, 24 AND 25 WERE CONSIDERED SEPARATELY AS SHOWN BELOW.

- 26. Consider approving an agreement with the Lawton Heritage Association, Inc., in the amount of \$15,000 for the repair and replacement of a portion of the roof of the Mattie Beal Home. Exhibits: Letter from Lawton Heritage Association dated 8/10/98. (Agreement on file in City Clerks Office) Action: Approval of item.
- 27. Consider rescinding award of the City Hall portion of the General Facilities Project 97-13 to Kyle Company Enterprises, authorizing forfeiture of the bid bond and readvertising for bids. Exhibits: None. Action: Approval of item.

ITEMS 28 AND 29 WERE CONSIDERED SEPARATELY AS SHOWN BELOW.

30. Consider approving Plans and Specifications for the Central Fire Station Renovation Project 97-16 as prepared by Perry Horacek and authorizing staff to advertise for bids. Exhibits: None. Action: Approval of item.

ITEMS 31, 32 AND 33 WERE CONSIDERED SEPARATELY AS SHOWN BELOW.

34. Consider authorizing the Mayor to execute an agreement between Oklahoma Conservation Commission and City of Lawton for McMahon Park Improvements, Phase I (Wetlands Project). Exhibits: Location Map. Action: Approval of item.

ITEM 35 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

- 36. Consider accepting permanent drainage easements from Myrtle Freeman on Lot 4, and Kennedy & Company on Lot 3, both in Block 66, Lawton View Addition for the Douglas Avenue Reconstruction Project. Exhibits: Location Map. Action: Approval of item.
- 37. Consider awarding contract for copper and brass. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to Water Products of Oklahoma, Inc.
- 38. Consider awarding contract for engine powered water pump. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to Thompson Pump and Manufacturing Co., Inc.
- 39. Consider awarding contract for drainage fabric. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to Maxwell Supply Company.
- 40. Consider awarding contract for flashover hoods, suspenders and bunker boots. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to Casco Industries, Inc.

- 41. Consider awarding contract for GPS Real Time Submeter Mapping System. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to Western Data Systems, Inc.
- 42. Consider awarding contract for fibar safety surfacing. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract Modlin Recreation Equipment, Inc.
- 43. Consider awarding contract for Accidental Death Insurance. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to Zurich American through AON Consulting.
- 44. Consider awarding contract for laptop computer. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to CoMark Government and Education Sales.

ITEM 45 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

- 46. Consider extending contract for heavy equipment parts and service. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Extend contract with Darr Equipment Company of Oklahoma City, OK, through 9/30/99.
- 47. Consider extending contract for liquid chlorine. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Extend contract with DPC Industries, Inc. of Cleburne, TX, through 9/30/99.
- 48. Consider extending contract for prefabricated refuse container bottoms. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Extend contract with Roll-Offs of America, Durant, OK, through 9/30/99.
- 49. Consider extending contract for banking services. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Extend contract with Citizens Bank, Lawton, OK, through 9/30/99.
- 50. Consider rejecting all bids for demolition of 1405 NW Dearborn. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Approve item.
- 51. Consider rejecting all bids for demolition of 1403 NW Dearborn. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Approve item.
- 52. Consider rejecting all bids for demolition of 1403-1/2 NW Dearborn. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Approve item.
- 53. Consider rejecting all bids for demolition of 1405-1/2 NW Dearborn. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Approve item.
- 54. Consider rejecting bid for repair and replace auto glass. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Approve item.
- 55. Consider rejecting bid for Cellular Telephone Service. Exhibits: Vendor's mailing list; bid record tabulation; recommendation. Action: Approve item.
- 56. Mayor's Appointments. Exhibits: None.

Human Rights & Relations Commission: Karen Giddings, City Rep., Term: 10/13/98 to 9/30/2000 Commission on Status of Women: Lisa Stein, Ward 2 Rep., Term: 10/13/98 to 4/13/2000 57. Consider approval of payroll for the period of October 5 through 18, 1998. Exhibits: None.

MOTION by Shanklin, SECOND by Williams, for approval of the Consent Agenda Item as recommended with the exception of Items 17, 18, 20, 23, 24, 25, 28, 29, 31, 32, 33, 35, 45. AYE: Sadler, Purcell, Shanklin, Haywood, Warren, Smith, Williams. NAY: None. ABSTAIN: Beller. MOTION CARRIED.

17. Consider the following damage claims recommended for denial: Jeffrey and Debbi Bailey; Berit Heyer-Boyd and Sylvester Boyd; Churchs Chicken by Danny Sparlin; Alfred and Tina Franz; Home Finders Realtors; Timothy and Hazel Pearson; Lenny Rhea dba Kar Kleen; Sentry Insurance Company; and Emmett and Stacie Ward. Exhibits: Legal Opinions/Rec.

Vincent said in regard to the claim from Home Finders Realtors, Crimestopper's provided a tip and the Police Department arranged for a search warrant of the property at 2403 E Avenue to execute a felony arrest. There was a dispute over whether the door was kicked in or what was kicked in and they don't have any evidence or pictures, however the State Statute, under the accountability section, provides that in an attempt to enforce the law under Section 155.4, the city is not liable for damages in attempting to in enforce the law by order of the court. He said the wrong information was received on the warrant.

MOTION by Williams, SECOND by Haywood, to recommend approval of the Home Finders Realtors claim in the amount of \$295 for the door.

Smith said he has never spent that much for a storm door. Williams asked if it was a screen door. Sharon O'Neal, Home Finders said it was the storm door.

MOTION by Purcell, SECOND by Smith, to table the Home Finders Realtors claim for further research. AYE: Purcell, Shanklin, Warren, Smith, Williams, Sadler. NAY: Beller, Haywood. MOTION CARRIED.

Vincent reviewed the claim of Emmett Ward which occurred during the reconstruction of Flower Mound Road.

Emmett Ward said he was driving north on North Flower Mound Road and was coming up to a barricade with detours to the right and left and as he slowed down, a city dump truck went around him and as it entered the barricaded area, his car was sprayed or debris was thrown on it. He said pictures were taken by the City Attorney's office and you can see the damage. He said whether it was tar or asphalt he didn't know but it also chipped his windshield. He said the denial said there was no negligence in any way but the manner the dump truck passed him and entered the barricaded area should be some type of negligence because there was no reason for the truck to pass him.

Powell asked for the exact location. Vincent said it was on Flower Mound Road north of old Cache Road between Cache Road and Rogers Lane. Vincent said there were two issues, he reviewed the pictures and couldn't find any damages on the car and Street Department personnel informed him that there were no dump trucks in the area at the time.

Ward said according to the letter he had there were dump trucks in the area but they were not carrying a substance, and whether the substance was picked up off the road or what he didn't know but the letter stated that there were dump trucks in the area. Vincent said there were no vehicles in the area hauling a substance and if they picked it up off the road, that is considered a road hazard under Oklahoma law and is not recoverable, they would have to be hauling the substance in order for anything to be recovered. Vincent provided the pictures taken by the City Attorney's office.

Purcell asked if the original claim mentions a broken or cracked windshield. Vincent said that wasn't in the original claim and wasn't considered. Ward said it was included in the estimate and there was a small chip in the windshield.

Warren asked if the vehicle had been repaired. Ward said not fully, there was still some front end damage that needed to be painted and he had not turned it into his insurance company.

Shanklin said he talked to Mr. Ward and explained the situation and he didn't know what they could do since the City Attorney had said they are not liable and it makes them look bad if they pay it and would consider tabling the item until they can get some better pictures or better information.

Purcell asked if Ward had filed with the insurance company. Ward said he had not at this time. Purcell asked why he wouldn't file with the insurance company first before coming before the Council and try to get the deductible. Ward asked why his insurance company should pay when the damage was done by a city vehicle, he has a \$500 deductible insurance on his car. Shanklin said the pictures don't show the damage and provided the pictures for Ward to view. Ward said the City Attorney's Office took the pictures, there was something embedded in the clear coat of the car and they may need to get a statement from the person who took the pictures.

Warren asked if the car was in the parking lot. Ward said it wasn't.

MOTION by Sadler, SECOND by Beller, to deny the damage claim filed by Emmett and Stacie Ward. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

MOTION by Purcell, SECOND by Warren, to deny the remaining damage claims as recommended. AYE: Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

18. Consider the following damage claims recommended for approval and consider passage of the resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: James Cheek through Fred Cheek; Rodney and Judy Drake; Alford and Jane Grigsby; OKs Barber Shop; Glenn and Marjorie Romines; Eddie L. Smith; B. Charles and LaDonna Spradlin; Dave W. Stanley; Delbert and Rita Swick; and James and Elizabeth Washburn. Exhibits: Legal Opinions/Recommendations. (Seven resolutions) Cheek: \$192.59; Grigsby: \$399.00; Washburn: \$144.00

MOTION by Purcell, SECOND by Warren, to approve the claims as listed above and adopt the Resolutions. AYE:

Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. ABSTAIN: Beller. MOTION CARRIED.

(Title only) Resolution No. 98-171

A resolution authorizing and directing the City Attorney to assist Rodney and Judy Drake in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Five Hundred Forty-One Dollars and 00/100s (\$541.00).

(Title only) Resolution No. 98-172

A resolution authorizing and directing the City Attorney to assist Johnathan and Sun Ok Ford in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Four Hundred Ten Dollars and 00/100s (\$410.00).

(Title only) Resolution No. 98-173

A resolution authorizing and directing the City Attorney to assist Glenn E. and Marjorie L. Romines in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of One Thousand Two Hundred Forty-Five Dollars and 77/100s (\$1,245.77).

(Title only) Resolution No. 98-174

A resolution authorizing and directing the City Attorney to assist Eddie L. Smith in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Eight Hundred Thirty-Nine Dollars and 00/100s (\$839.00).

(Title only) Resolution No. 98-175

A resolution authorizing and directing the City Attorney to assist B. Charles and Ladonna A. Spradlin in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Two Thousand Eight Hundred Ninety-Six Dollars and 27/100s (\$2,896.27).

(Title only) Resolution No. 98-176

A resolution authorizing and directing the City Attorney to assist Dave W. Stanley in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of One Thousand Three Hundred Seventy-Five Dollars and 00/100s (\$1,375.00).

(Title only) Resolution No. 98-177

A resolution authorizing and directing the City Attorney to assist Delbert and Rita Swick in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of One Thousand Six Hundred Eighty-Six Dollars and 92/100s (\$1,686.92).

20. Consider denying a request for the installation of traffic control devices at specified locations. Exhibits: Excerpts from Draft Minutes of Traffic Commission meeting of 9/17/98. Action: Deny requests as shown in the agenda folder.

Williams requested Item 2 be considered separately, he said the location is just a block north of the new Walgreen's area.

Zearita Poole, 719 NW 22nd St., said the residents are requesting a "No U Turn" sign for southbound Sheridan Road traffic at Walding Street.

Powell asked if this item had been before the Traffic Commission. Williams said the Traffic Commission had a 2 to 2 vote, there were only 4 members present at that meeting. Baker said the recommendation was for denial.

Williams said they have a petition from the home owners in the area asking for a "No U Turn" to be installed. He said just north of the location there is another turn around bay in front of PA Chevrolet. He said he and Ms. Poole visited with Marsha Hinds, Traffic Engineer, and they reviewed an aerial of the area and at the time Ms. Hinds addressed it at the Traffic Commission she was not aware there was a southbound turn lane at PA Chevrolet and also at the Walding Street area. He said some of the problems the residents are having is when they come out of Walding to go back to the south there are a number of cars pulling out of Wal-Mart, making u-turns back to the north and the residents have to set at the intersection quite a long time when they want to travel to the south.

Poole said that is the only exit out of the area and the problem is when they are trying to turn north.

Warren said if they put up another "U" turn sign they will still be able to make a left turn, go down Walding, come back around and come out of Crosby Park to go back north, it won't stop them from going north, they will just use

the street rather than making a "U" turn.

Purcell said in addition to that they may have a problem with accidents because people coming out of Wal-Mart will try to get over quickly to make the "U" turn at the Phillips Aubrey and the reason they go to Walding is that they have a chance to get out and move over and make the "U" turn and if they close that they will go across the traffic or may travel down their streets.

Poole said they will be doing that coming out of Walgreen's to go back south. Shanklin read the motion in the Traffic Commission minutes to put up the sign and it passed at a tie 2 - 2. Williams said it was tied and Marsha Hinds said the recommendation did not include her being aware that there was a turn lane and a "U" turn opportunity at PA Chevrolet. Shanklin said he could agree with the "U" turn and as soon as they get Sheridan off the Highway 7 designation, they need to make it five lanes but would vote for a "No U Turn" sign.

Williams said everything on Sheridan Road, since it is Temporary Highway 7, they have to write a letter to ODOT to put in signage.

Purcell said they have a letter from Bob Rose that if they want to work out a deal with them, knowing Sheridan will become a city street in two years, that if they write an agreement now they will approve it and they can do whatever they want to.

Baker said staff is recommending denial and asked Ihler if they need permission from ODOT to put a sign on Sheridan. Ihler said they would need their concurrence.

MOTION by Williams, SECOND by Shanklin, to write a letter to ODOT asking for their approval or concurrence regarding the installation of a "No U Turn Sign" at Walding and Sheridan Road.

Purcell said the letter the Mayor received from ODOT says if the City prepares an agreement, the City can put any signage it wants to on Sheridan. Vincent said he could not recommend an agreement from a liability standpoint because the State would be placing all the liability on the City.

Powell said Sheridan Road would remain under ODOT until 82nd Street is completed and if Council wished to accept full control but still remain under ODOT, ODOT wouldn't be in the decision making process.

Beller asked where the liability would be. Vincent said if the Council approved a turn bay and it was ill advised based on the City Engineer's analysis that it wasn't safe to put a turn bay there, and there were wrecks as a result of that, there might be some liability on the City either through faulty design or not considering it properly. Vincent said currently ODOT is the final authority, so if ODOT approves the plan, the liability would be on ODOT.

Warren said they already have liability on a number of major streets. Vincent said he has to advise them that if they do this, they may possibly assume additional liability. Vincent said a separate item is needed to discuss such an agreement.

SUBSTITUTE MOTION by Smith, SECOND by Warren, to table the item until they get settled with ODOT with what they are going to do on Sheridan Road. AYE: Warren, Smith, Purcell. NAY: Williams, Sadler, Shanklin, Beller, Haywood. MOTION FAILED.

VOTE ON MAIN MOTION: AYE: Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: Smith, Warren. MOTION CARRIED.

MOTION by Williams, SECOND by Warren, to deny requests 1 and 3 for the installation of traffic control devices as recommended. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

The City Council recessed at 8:25 and returned at 8:35 p.m. with Roll Call reflecting all members present.

- 23. Consider accepting a warranty deed from Republic Paperboard Company for the extension of Southwest Neal Boulevard in the Lawton Industrial Park. Exhibits: None.
- 24. Consider approving an agreement with the Board of County Commissioners of Comanche County for an extension of Neal Boulevard and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Agreement.
- 25. Consider adopting a resolution requesting the Oklahoma Department of Transportation (ODOT) to construct an extension of Southwest Neal Boulevard to support the Republic Paperboard Company. Exhibits: Location Map; CCIDA and Republic Agreement Excerpt; Letter from ODOT Commissioner Gibson; Resolution No. 98-178.

(Title only) Resolution No. 98-178

A resolution of the City Council of the City of Lawton, Oklahoma, requesting the Oklahoma Department of Transportation to construct an extension to Southwest Neal Boulevard to support the Republic Paper Board Company at 8801 SW Lee Boulevard.

31. Consider approving Plans and Specifications for the Neal Boulevard Waterline Project 98-10 and authorizing staff to advertise for bids. Exhibits: Layout Map. Action: Approval of item.

Baker said all four items are related to Republic Paperboard Company, and are either dealing with Neal Boulevard reconstruction or the water line construction. They are all related, they have had a series of meetings with Republic and several changes were made.

Bigham said Item 23 is to accept the Warranty Deed from Republic Paperboard as they initially envisioned last Tuesday it was a strip of land that was initially reserved for the extension of Neal Boulevard and the water line, which was 1,086 feet long. Due to other concerns, Republic has reduced the Warranty Deed to 280 feet. Item 24 is an agreement with the County Commissioners for the roadbed for Neal Boulevard. Items 23 and 24 are required to be able to submit Item 25, which is the resolution to ODOT requesting industrial access funds. Item 31 is the water line that was part of the service agreement between the City and Republic; approval of Item 23 is required to be able to complete the water line.

Vincent said on the Warranty Deed, the City initially requested 1,086 feet by 100 feet and Republic initially agreed but has since returned a warranty deed of 280 feet by 100 feet to extend the water line and Neal Boulevard. He said he received confirmation this afternoon that if at some point in time they need to extend the water line and/or Neal Boulevard, Republic will give, at no cost to the City, the remaining number of feet they need.

Vincent said regarding the contract with the County, a legal issue was raised by the County as to whether or not they could enter into the agreement to provide the grade work, etc. on Neal Boulevard. The issue has been resolved and the recommendation to the County Commissioners will be that they have legal authority to enter into that agreement. Vincent recommended approval of Item 23 to accept the Warranty Deed, approval of Item 24, which is the agreement with the Board of County Commissioners, subject to the approval by the County Commissioner; and approval of Item 25 subject to the County Commissioners accepting and approving the contract; and approval of Item 31, provided that Item 23 is approved.

MOTION by Shanklin, SECOND by Smith, to approve Items 23, 24, 25 and 31, contingent upon the County Commissioners approval as necessary. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

- 28. Consider awarding a construction contract to Dobbs Washita Construction, Inc. for the West 82nd Street Waterline Relocation Project 98-8. Exhibits: Bid Tab of 9/28/98; Map. Action: Approval of item in the amount of \$498,302.00.
- 29. Consider approving Plans and Specifications for the Industrial Access Road Project for the Reconstruction of Flower Mound Road from Lee Blvd. to Bishop Road. Exhibits: Map. Action: Approval of item.

Shanklin said about 11 years ago when the water line was installed in on 82nd Street, it was placed on the west side and there were two or three of them that wanted it on the east side for a number of reasons, and one reason he wanted it on the east side was because the right of way was donated. He said they are now going to spend \$500,000.

MOTION by Shanklin, SECOND by Smith, to approve Items 28 and 29. AYE: Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

32. Consider approving Plans and Specifications for the H.C. King Parking Project 98-9 and authorizing staff to advertise for bids. Exhibits: Location Map.

Williams expressed his appreciation to the staff for preparing the much needed plans for the handicapped parking at the H. C. King Center.

MOTION by Williams, SECOND by Haywood, to approve plans and specifications for the H.C. King Parking Project 98-9 and authorize staff to advertise for bids. AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

33. Consider a resolution of necessity for right-of-way acquisition for the Floyd Avenue Reconstruction Project, 20th Street to 19th Street. Exhibits: Res. No. 98-179.

Williams said Floyd has been a project they have been trying to work on for curbing and gutters and resurfacing

and found out they didn't have all the paperwork they needed. He asked where they are with Mr. Singleton and his appraisal. Baker said the appraisal is completed, and the owners have not accepted any of the offers. Baker said Council is being asked to pass a resolution of necessity which would enable them to proceed with eminent domain.

Williams asked how far apart they were from the owners and appraised value. Ihler said he didn't know what the amount differences were. Vincent said the resolution will not prohibit the city from continuing to negotiate, it just gives them the ability at some point if negotiations fail to go into the condemnation proceedings through District Court. He said if they don't pass the resolution the Floyd Avenue project will be dead.

MOTION by Williams, SECOND by Smith, to adopt the Resolution of Necessity for right-of-way acquisition for the Floyd Avenue Reconstruction Project, 20th Street to 19th Street. AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-179

A resolution declaring the necessity for acquiring permanent and temporary easements and right-of-way to certain property described in Exhibit "A" attached hereto for the purpose of constructing, installing, maintaining, improving and repairing a public street together with storm drainage utility easements and other necessary improvements; authorizing and directing the City Manager to attempt to acquire said property by purchase and settlement of damages and authorizing the City Attorney to acquire the property by condemnation proceedings if it cannot be purchased.

35. Consider adopting a resolution establishing the Sewer Rehabilitation Fund and identify funding for the second year of the Sewer Rehabilitation Program. Exhibits: Res. No. 98-180. Action: Approve resolution establishing the sewer rehabilitation fund and authorize the appropriation of \$600,000 in the 1990 Sales Tax Capital Improvement Program and \$1,903,9826 in the 1995 Sales Tax Capital Improvement Program to fund the second year of the Sewer Rehabilitation Program.

Baker said they are requesting the Council authorize establishing a separate sewer rehabilitation fund so they can place money available now and in the future for the sewer reconstruction/rehabilitation project into one fund so they can better control and monitor and audit the fund. He said they are asking that the \$600,000 in the 1990 CIP that was not used on the Douglas Avenue project to be put into this fund and the \$1.9 million that is currently remaining in the 1995 CIP be put into a separate fund and all expenditures would come out of that fund and when the Council identifies future funding it would also go into this fund for this project.

Shanklin asked when the second year starts. Baker said the first year started July 1, 1998 and ends June 30, 1999; second year starts July 1, 1999. He said they have basically identified funding for the first two years, Mr. Ihler, Mr. Livingston and Baker have been meeting to work out a time table and cash flows and they will be providing information in the near future.

MOTION by Shanklin, SECOND by Smith, to approve the resolution establishing the sewer rehabilitation fund and authorizing the appropriation of \$600,000 in the 1990 Sales Tax Capital Improvement Program and \$1,903,826 in the 1995 Sales Tax Capital Improvement Program to fund the second year of the Sewer Rehabilitation Program.

Powell said he appreciated their doing this and this will be beneficial for himself and Mr. Baker.

Williams said they tabled some actions regarding infrastructure and asked where they are on that. Shanklin said it will be in a workshop. Powell said they are waiting on numbers and this is going to be held soon. He said they have also asked for verification of those things that staff has brought to them from DEQ and others and number supporting those numbers.

VOTE ON MOTION: AYE: Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-180

A resolution establishing the City of Lawton Sewer Rehabilitation Fund.

45. Consider authorizing expenditure from Council Contingency Fund to replace the sound system in the Council Chambers. Exhibits: None. Action: Authorize expenditure of approximately \$15,000 from City Council Contingency fund for repair/replacement of sound system in Council Chambers.

Purcell said last Tuesday when he was present for the Complaints Committee meeting, the sound system kept cutting in and out and you could not hear anything in the audience other than the normal tone of voice and that is part of the problem on T.V. He said Ken Graalum was present and had indicated that for approximately \$15,000 they could replace the speaker system in the Chamber so the citizens could hear what was going on.

MOTION by Purcell, SECOND by Warren, to authorize expenditure of approximately \$15,000 from City Council

Contingency Fund for repair/replacement of sound system in Council Chambers. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

- 58. Pursuant to 307B.4, Title 25, Oklahoma Statute, consider convening in executive session to discuss pending litigation against Reynolds Ford, Norman, Oklahoma, and in open session take action authorizing the City Attorney to file a civil action against Reynolds Ford of Norman, Oklahoma. Exhibits: None.
- 59. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to consider the procedures to be used in determining an acceptable individual, and, in open session take any action necessary regarding the employment of a City Manager.

MOVED by Warren, SECOND by Smith, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

The Mayor and Council convened in Executive Session at 8:50 p.m. and returned to regular open session with all members present upon roll call at 9:15 p.m.

Vincent said the Council met in executive session to discuss Items 58 and 59. On Item 58, Vincent proposed that the Council authorize the City Attorney to take all legal action necessary against Reynolds Ford in Norman, Oklahoma, for breach of contract.

MOTION by Warren, SECOND by Smith, to authorize the City Attorney to take all legal action necessary against Reynold Ford in Norman, Oklahoma, for breach of contract. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

Vincent said on Item 59, the procedure to be used during the interview of the various candidates for the City Manager position was discussed. He recommended a motion that the Council direct the City Clerk to prepare the questions for response.

MOTION by Purcell, SECOND by Smith, to direct the City Clerk to prepare the questions for response for the City Manager applicants. AYE: Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

BUSINESS ITEM:

60. Consider award of full size police sedans to the low responsive bidder, Billingsley Ford of Lawton. Exhibits: Bid Tabulation Sheet.

Baker said they have proposed to purchase all 19 of the sedans, they also bid a sports utility vehicle but the vehicle bid does not meet the specifications and also they don't have funding at this time due to the action that was discussed with Reynolds Ford. He said if they are successful in recouping money from Reynolds Ford he understands that has to go into the general fund and it will not go to the Police Department so later in the year the Police Chief will try to identify funding for that sport utility vehicle. He said they still plan to purchase the vehicle this year and if they can't identify other funding they may, at a later date, ask Council for contingency funding to do so.

MOTION by Williams, SECOND by Smith, to award the contract to Billingsley Ford for purchase of police sedans. AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/COUNCIL/CITY MANAGER.

Williams said a couple weeks ago, on Saturday at Harmon Park, there was a family day, there was a lot of food donated, a lot of city staff, the police, fire and other people from Parks and Recreation, it was a great day and a lot of people attended and he tipped his hat to all the city staff that worked so hard to make it such a super event and would like to see it continue.

Powell appreciated their moving through the agenda this evening. He said October 27, at the next scheduled Council meeting, he requested an early start for a special meeting at 4:30 p.m. so that they can attend an A.U.S.A. banquet that has been scheduled at Fort Sill. The Council members did not object.

There was no further business and the meeting adjourned at 9:20 p.m. upon motion, second and roll call vote.